

Senate Commerce, Labor & Agriculture Committee Amendment NO. 1

AMENDMENT NO. _____

Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 3033*

House Bill No. 2792

by deleting all language after the enacting clause and by substituting instead the following:

Section 1. Tennessee Code Annotated, Title 45, Chapter 6, is amended by adding the following provisions as part 1, relating to the regulation of second-hand property dealers:

Part 1. – Second-Hand Property Dealers

45-6-101. Purpose. – The sale, purchase, or trade of second-hand personal property by and through retailers vitally affects the general economy of this state and the public interest and welfare of its citizens. It is the policy of this state and the purpose of this part to:

(1) Ensure a sound system for the purchase and resale of second-hand personal property through retail dealers and to prevent unlawful property transactions, particularly in stolen property, through licensing and regulating second-hand property dealers;

(2) Ensure compliance with federal and state laws; and

(3) Assist local governments in the exercise of their police power.

45-6-102. Definitions. – As used in this part, unless the context otherwise requires:

"Second-hand property dealer" means any person or entity who is engaged in the business of purchasing, trading, and/or

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selling second-hand personal property whose operation requires a business license or permit. This definition shall not include operations of occasional garage sales, yard sales, church groups, charity groups, or similar sales conducted between individuals.

45-6-103. Forms and Required Information.

(1) Every second-hand property dealer shall maintain receipts for the purchase of all second-hand property in said dealer's inventory. All receipts must contain the following information, in addition to any other information required by the police department of the locality in which the dealer operates:

(A) The date of the transaction;

(B) The name and address of the person, corporation, or entity from whom the property was acquired;

(C) An identification and description of the property acquired, including serial numbers if articles bear such;

(D) The price paid for such property;

(E) The signature of the seller and buyer of the property; and

(F) A clear and legible thumbprint of the seller of the property.

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(2) If a second-hand property dealer makes a single purchase of five hundred dollars (\$500) or more from a corporation, the bill of sale from such purchase shall be sufficient to satisfy the recordkeeping requirements of this subsection.

(3) The record of each purchase transaction provided for in this section shall be maintained for a period of not less than two (2) years.

45-6-104. Information to be Delivered to Police.

(1) Every second-hand property dealer shall deliver to the police department of the locality in which the dealer operates the information required by Section 45-6-103 for each piece of property purchased or otherwise received by said dealer. Each day's receipts shall be delivered to the appropriate law enforcement agency the following day, except Saturday's receipts, which are to be delivered on the following Monday. These receipts shall be delivered every day, except Sunday before the hour of ten o'clock a.m. (10:00 a.m.)

(2) It is an offense for any merchant required to maintain receipts under the provisions of this section to knowingly:

(A) Falsify, obliterate or destroy such receipts;

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(B) Refuse or fail, upon the request of a law enforcement officer, to make such receipts available for inspection within a period of time which is reasonable under the individual circumstances surrounding such request; provided, nothing contained within the provisions of this subsection shall be construed to require the merchant to possess such receipt on or about his or her person without reasonable notice;

(C) Fail to maintain the receipts required by this section for at least two (2) years; or

(D) Present credentials pursuant to the requirements of this section which are false, fraudulent, forged, fraudulently obtained or the nature of which is misrepresented.

45-6-105. – Inspection by Police. All records and unsold tangible property to be kept by this part shall be at all times open for the inspection of law enforcement personnel.

45-6-106. – Penalties. Violation of this part shall be punishable as follows:

(1) A Class A misdemeanor if the value of the property is five hundred dollars (\$500) or less;

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(2) A Class E felony if the value of the property is more than five hundred dollars (\$500) but less than one thousand dollars (\$1,000);

(3) A Class D felony if the value of the property is one thousand dollars (\$1,000) or more but less than ten thousand dollars (\$10,000);

(4) A Class C felony if the value of the property is ten thousand dollars (\$10,000) or more but less than sixty thousand dollars (\$60,000); and

(5) A Class B felony if the value of the property is sixty thousand dollars (\$60,000) or more.

45-6-107. – Electronic information transfer. Each second-hand dealer whose primary business is dealing in second-hand property and whose annual net income from said business is in excess of fifty thousand dollars (\$50,000) shall have a computer system in operation if so requested by the appropriate law enforcement agency in any county having a population in excess of eight hundred thousand (800,000) according to the 1990 federal census or any subsequent federal census, which is capable of electronically transferring information on articles received to the sheriff or local law enforcement agency where such second-hand dealer is to be located.

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Section 2. This act shall take effect upon becoming law, the public welfare
requiring it.

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